G. R. S. App. F. IX-4]

Previous References.

Cls 133-41 (1-2)

Later References

1941

(Cls)

File No. 292-41

Serial Nos. 1—2

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for July 42

SUBJECT.

Amendment of Rule 31 of the High Court Rules printed on page 7 of the Civil Rules of practice and circular orders, Vol. I. (1936)

G.O. No. P. 319 dated 13.7.42

To.

The Registrar,
High Court of
Mysore, Bangalore

Sanctions the

2165

Amendment to Rule 31 of the High Court Rules

6135

General and Revenue Secretariat | Ch File No. | of 19 | [App. F. III—2

Serial No.

From
The Registrar High Court of Mysore
Roc No 925/40-41 Dt 12-5-1942.

Requests sanction to amend Rule 31 of the High Court Rules as indicated in the Statement appended to his letter Dt 12-5-1942.

Rule 31 Of the High Court Rules which is now proposed to be amended by the High Court is printed on page 7 of the Civil Rules of practice Vol I (1936 Edition)

2) A Statement embodying the details i.e. the existing rule and the amendments proposed to be given effect to by the High Court is placed below for reference. The new matter proposed to be introduced and any alteration sought to be included have been indicated in red ink in the Statement

Submitted for orders

Chd 25/5

Please place the letter & the Civil Justice recently received, & also the file leading to the framing of Rule 31 which is now sought to be amended

3
25/5/42

WD 04155—GPB—55,000—23-10-41

Amendment to Rule 31 of the High Court Rules

Cts File No. of 194 | General and Revenue Secretariat.

Serial No.

No reference could be traced re. the file, if any, relating to the passing of Rule 31 of the High Court Rules.

Indexes for the period from 1898 to 1915 and the headings from 1915 up to this period were looked into and the reference file could not be traced

5) Courts file 133-41-1926 containing the letter Dy 6.4.1942 of the Chief Justice is placed below for reference.

Hay P

6) By adopting the amendments proposed by the High Court, the work of the High Court will be greatly facilitated, as some of the petitioners' applications which occupy the attention of 2 Judges, will now be disposed of by a single Judge. The amendments given therein may be approved (Minister for Law).

3
5/6/42

High Courts' work

7) Mr
Sd

Sewan)

8) Sd
6/6/42

Mr
B/M

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL SIDE.

Rule of Practice No. 90, dated 30th September 1936.

Under Section 554 of the Code of Criminal Procedure and with the previous sanction of he Government the High Court hereby makes the following rule in substitution of Criminal Rule of Practice No 83, dated 1st September 1909 (printed as paragraph 1—13 of Chapter XVI of the Criminal Rules of Practice and Circular Orders as amended up to the end of December 1933, Volume I), *viz* :—

ORIGINAL CASES.

1. Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges will submit to the High Court a copy of every judgment or final order made by them within a week of the date on which it is made with a tabular statement giving particulars of the case in Form A appended.

2. Additional Sessions Judges and Assistant Sessions Judges will submit the copies of heir judgments and orders through the Sessions Judge of the Division in which they are working.

3. District Magistrates will submit to the High Court a copy of every judgment or final order, other than an order of discharge under Section 209 of the Code of Criminal Procedure, pronounced by them within a week after the date on which it is pronounced with a tabular statement giving particulars of the case in Form A appended in cases heard by them, including proceedings under Chapters VIII, X, XI, XII and XXXVI of the Code of Criminal Procedure, but excluding,

(*a*) cases tried summarily under Chapter XXII of the Code of Criminal Procedure,
(*b*) cases disposed of under Sections 204 (3), 243, 247, 248, 259, 345 (1) or 494 of the Code of Criminal Procedure,
(*c*) cases regarding offences punishable under Sections 277, 278, 279, 285, 286, 289, 290, 323, 334, 341, 352 or 358 of the Penal Code,
(*d*) cases regarding offences punishable under the Cattle Trespass Act, 1871, or under any of the following Regulations, as from time to time amended, *viz* :—

(i) the Mysore Forest Regulation, XI of 1900,
(ii) the Mysore Excise Regulation, V of 1901,
(iii) the Mysore Police Regulation, V of 1908 (except those punishable under Sections 59, 60 and 63 of that Regulation),
(iv) the Mysore Public Conveyances Regulation, VII of 1911,
(v) the Mysore Registration of Births and Deaths Regulation, III of 1918,
(vi) the Mysore District Boards Regulation, III of 1926,
(vii) the Mysore Motor Vehicles Regulation, XVI of 1928,
(viii) the Mysore City Municipalities Regulation, VII of 1933,
(ix) the Mysore Town Municipalities Regulation, VIII of 1933,
(x) the Mysore Minor Municipalities Regulation, IX of 1933, and
(xi) the Mysore Road Traffic and Taxes Regulation, VI of 1935.

4. Magistrates other than District Magistrates will submit to their District Magistrate copy of every judgment or final order, other than an order of discharge under Section 209 f the Code of Criminal Procedure, pronounced by them within four days after it is pronounced with a tabular statement giving particulars of the case in Form A appended except n cases of the kinds excluded in Sub-Rule 3 above.

5. Each Magistrate other than a District Magistrate will submit to his District Magistrate not later than the 8th day of each month a statement in Form B appended howing in order of disposal particulars as indicated by that form of each case disposed of by im in the previous month in respect of which he is not required by Sub-Rule 4 above to ubmit a copy of the judgment or final order.

6. District Magistrates will examine all copies of judgments and orders submitted to hem under Sub-Rule 4 above and report at once to the High Court any case which in their pinion requires revision by the High Court. District Magistrates will forward to the Sessions Judge of the division without delay the copies of judgments and final orders of Magistrates of the First Class received by them and inform the Sessions Judge of any action hey have taken in regard to such judgments or orders. District Magistrates will also xamine the entries in the statements in Form B submitted to them and call for the records f any case in which the particulars entered in any such statement lead them to think that esirable.

7. Sessions Judges will examine all copies of judgments or final orders of Magistrates of the First Class received by them and will report at once to the High Court any case which in their opinion requires revision by the High Court except where the District Magistrate has already done so.

8. A copy of every order of discharge under Section 209 of the Code of Criminal Procedure will be submitted within four days of the date on which it is made with a tabular statement giving particulars of the case in Form A appended, if made by a District Magistrate, to the Sessions Judge direct and, if made by any other Magistrate, to the District Magistrate, who will forward it without delay to the Sessions Judge of the division and inform the Sessions Judge of any action he has taken in regard to such order. The Sessions Judge after examining them will submit all copies of such orders of discharge without delay to the High Court

APPEAL AND REVISION CASES.

9. Sessions Judges and District Magistrates will submit to the High Court a copy of every judgment on appeal or order in regard to revision pronounced by them within a week from the date on which it is pronounced with a tabular statement giving particulars of the case in Form C appended.

10. Any Magistrate other than a District Magistrate who disposes of an appeal will submit to the District Magistrate a copy of his judgment within four days of the date on which it is pronounced with a tabular statement giving particulars of the case in Form C appended. The District Magistrate after examining the copy of the judgment will forward it without delay to the Sessions Judge.

11. The following are some of the points on which Sessions Judges and District Magistrates should direct their attention when examining copies of judgments and orders submitted to them under this rule:—

(*a*) the rash or unnecessary issue of process,
(*b*) dealing with disputed claims of right under colour of a charge of criminal trespass or mischief and convictions of those offences without a finding as to criminal intent,
(*c*) the suitability of the punishment inflicted on youthful offenders,
(*d*) the judicious or injudicious use of the powers conferred by Sections 250 and 562 of the Code,
(*e*) the indiscreet imposition of fines beyond the means of offenders,
(*f*) light punishment of offences requiring severe sentences in cases which ought to have gone up to superior Courts for enhanced punishment,
(*g*) the imposition of heavy fines in addition to imprisonment with a view, in default of payment, to extend the term of imprisonment beyond the ordinary powers of the Magistrate,
(*h*) the exaction of excessive bail or excessive security for keeping the peace or for good behaviour,
(*i*) unnecessary delay in the disposal of cases.

FORM A.

Calendar of persons tried before the Court of

---

1. Serial Number of the case.
2. Name of complainant.
3. Name of accused.
4. Name of accused's father.
5. Caste of accused.
6. Calling of accused.
7. Age of accused.
8. Residence of accused.
9. Offence complained of.
10. Date of occurrence.
11. Date of complaint or report.
12. Date of arrest by the Police.
13. Date of first appearance of accused before the Court.
14. Date of commencement of trial.
15. Date of close of trial.
16. Result of trial.
17. Number of adjournments.
18. Explanation of delay and remarks.

Magistrate.

Instructions.

(A) If the number of accused be large and the space against headings (3) to (8) be found insufficient, the particulars may be entered in a separate sheet of paper and appended to the calendar form.

(B) Explanations of delay should invariably be given if the interval between the date of appearance of the accused and the date of judgment or sentence is more than a fortnight.

(C) If the case is received by transfer from another Court, the date of the first appearance of the accused and the number of adjournments in that Court, will be noted against heading 18.

(D) In the case of arrest whether the accused was detained in custody or released on bail should invariably be stated against heading 18 and in the latter case the date of release should also be given.

(E) Against heading 16 note—

Discharged under Section.....
Acquitted under Section.....
Or convicted under Section..... ....
and sentenced to.....

(F) In the case of a conviction, particulars of previous convictions, if any, proved at the trial, should also be noted.

(G) Against heading 11, the date on which the complaint was made to a Magistrate or to a Police Officer should invariably be entered.

(H) The name of the complainant at whose instance the prosecution has been instituted should be entered against heading 2 even when the prosecution is undertaken by the Police, but in such cases the Police Station from which the charge-sheet was received should also be entered.

FORM B.

(Monthly Statement referred to in Sub-Rule 5.)

Serial No. of the case	Name of accused	Caste of accused	Calling of accused	Age of accused	Offence complained of	Date of occurrence	Date of complaint or report	Date of arrest by the Police	Date of first appearance of accused before the Court	Date of commencement of trial	Date of close of trial	Result of trial	Explanation of delay and remarks
1	2	3	4		6	7	8	9	10	11	12	13	14

Instructions.

(A) Explanation of delay should invariably be given if the interval between the date of the appearance of the accused and the date of judgment or sentence is more than a fortnight.

(B) In the case of arrest whether the accused was detained in custody or released on bail should invariably be stated in Column 14, and in the latter case the date of release should also be given.

(C) In Column 13 note—

Discharged under Section.....
Acquitted under Section.....
Or convicted under Section.....
and sentenced to.....

FORM C.

(1) Date of presentation of the appeal or petition.
(2) Date of filing.
(3) Date fixed for hearing.
(4) Date or dates of hearing.
(5) Date of disposal.
(6) Number of adjournments.
(7) Explanation of delay.

T. SHAMAIENGAR,
Registrar.

Rule 31 of the High Court Rules

Existing

(1) Revision of Calendars and proceedings of any criminal Court submitted to the High Court under Rule of practice No 83 of 1.9.1909.

(2) Applications for suspension of sentence or for release of accused on bail pending disposal of appeal or application for revision

(3) Proceedings and reports submitted for orders under Sections 123 and 124 of the Cr. P.C.

(4) Disposal of questions referred under Section 185 of the Cr. P.C

(5) orders under Sections 427, 498 and 526 of the Cr. P.C

Rule 31 of the High Court Rules

Proposed Rules

(1) Revision of Calendars and proceedings of any criminal Court submitted to the High Court under Rule of practice No 90 of 30.9.1936.

(2) Suspension of sentence or release of accused persons pending appeals or applications for revision

[The words "on bail" have been omitted after the words "accused persons"]

(3) Proceedings and reports submitted for orders under Sections 123 or Section 124 of the Cr. P.C.

[The word "or" has been substituted for the word "and"]

(4) References under Section 185 of the Code of Criminal procedure

[The corresponding section (5) is different]

(8) orders under Section 427 of the Code of Criminal procedure

(10) proceedings under Section 526 of the Code of Criminal procedure

Section 498 has been omitted in the revised rule

(6) Enquiry under order XXLIV Rule 4 Civil procedure code

corresponding ^ Section 6 of the proposed Rule is different

(15) Applications for leave to appeal as pauper under order XLIV. of the Code of Civil procedure.

(7) Applications for Stay of execution of decrees. or for Stay of further proceedings pending disposal of appeal

corresponding ^ Section 7 of the proposed rule is different

(14) Stay of execution of decrees or Stay of proceedings pending appeals or revision

(8) Admission of petitions and appeals Civil or Criminal

corresponding ^ Section 8 of the proposed rule is different

(12) Admission of petitions and appeals, Civil or criminal.

(9) Applications for transfers of Cases from one Court to another under Section 24 of the C.P.C.

corresponding ^ Section 9 the proposed rule is different

(13) Transfer of Cases from one Court to another under Section 24 of the Code of Civil procedure.

(10) Applications for enrolment as pleaders

corresponding Rule (10) of the proposed Rule is different

(17) Applications for enrolment as pleaders.

orders under the Mysore Prisoners' Testimony Regulation 1894.

(11) Proceedings under the Mysore Prisoners' Testimony Act, 1894.

(5) References under Section 186(2) of the Code of Criminal Procedure

(6) Sanction under Section 339(3) of the Code of Criminal procedure

(7) Suspension of Sentence or Release under Section 426(2) of the Code of Criminal procedure

(9) proceedings under Chapter XXIX of the Cr. P.C.

(16) All applications of an interlocutory nature the disposal of which does not affect the disposal of any appeal

CS 292-41-1 6135 p84

R. O. C. No. 925-40-41
~~D. Dis.~~
Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 12th May 1942.

GEN. & REV. SECRETARIAT PROTECTION BRANCH 13 MAY 1942

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

To CS

SECY. LAW DEPT. 13 MAY 1942 GOVT OF MYSORE

H.V. NARAYANA RAO, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR,

I am directed to state that the Judges of the High Court have had under consideration the question what further powers in disposing of judicial matters can properly be delegated to a single Judge under Section 19 of the High Court Act in order to make the best of the time of the Court. The delegation of powers to a single Judge is now regulated by Rule 31 of the High Court Rules, printed at page 7 of the Civil Rules of Practice and Circular Orders, Volume I (1936). After consideration the Judges propose to amend that rule as shown in the draft appended to this letter. The new matters, which it is now proposed should be included among those which may be disposed of by a single Judge, are those entered as Nos. (5), (6) (7) (9) and (16) in the draft, of which (16) is the most important, as that will include all interlocutory applications, many of which now occupy the time of a Bench of 2 Judges quite unnecessarily. Opportunity has also been taken to recast the rule in a more logical way.

2. I am directed to request that the draft rule as now proposed may be sanctioned by the Government under Section 21 of the High Court Act.

I have the honour to be,
Sir,
Your most obedient servant,

For REGISTRAR.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 13/7/42 19

Signed by Dr. K.P.P.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section. C.S.

File No. 292-41

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Letter No Roc 925/40-41 Dt 12.5.1942 from the Registrar High Court Of Mysore requesting Sanction to amend Rule 31 of the High Court Rules printed at page 7 of the Civil Rules of Practice and Circular orders, Vol I (1936) as set out in the appended Statement.

~~Order thereon—No.~~

order P 319. Dt 13.7.42

Sanctioned

CS

HIGH COURT OF MYSORE AT BANGALORE

Under Section 19 of the Mysore High Court Act, I of 1884, the High Court hereby directs ~~that~~ the following be substituted for Rule 31 of the High Court Rules, printed at page 7 of the Civil Rules of Practice and Circular Orders, Volume I (1936), viz:-

"The Powers vested in the High Court may be exercised by one of the Judges of the said Court under Section 19 of the High Court Act, 1884, in the following matters:-

(1) Revision of Calendars and proceedings of of any Criminal Court submitted to the High Court under Rule of Practice No.90 dated 30 September 1936

(2) Suspension of sentence or release of accused persons, pending appeals or applications for revision,

(3) Proceedings and reports submitted for orders under Section 123 or Section 124 of the Code of Criminal Procedure,

(4) References under Section 185 of the Code of Criminal Procedure,

(5) References under Section 186(2) of the Code of Criminal Procedure,

(6) Sanction under Section 339(3) of the Code of Criminal Procedure,

(7) Suspension of sentence or release under Section 426(2) of the Code of Criminal Procedure,

(8) Orders under Section 427 of the Code of Criminal Procedure,

(9) Proceedings under Chapter XXXIX of the Code of Criminal Procedure,

(10) Proceedings under Section 526 of the Code of Criminal Procedure,

(11) Proceedings under the Mysore Prisoners' Testimony Act, 1894,

(12) Admission of petitions and appeals, civil or criminal,

(13) Transfer of cases from one Court to another under Section 24 of the Code of Civil Procedure,

(14) Stay of execution of decrees or stay of proceedings, pending appeals or revision,

(15) Applications for leave to appeal as a pauper under Order XLIV of the Code of Civil Procedure,

(16) All applications of an interlocutory nature, the disposal of which does not affect the disposal of any appeal,

✓ and (17) Applications for enrolment as (10) Pleaders,

Provided that it shall be competent for th Judge dealing with any such matter at any time before determining it to refer it to a Bench of two Judges,

And provided also that, if an order is mad in such a matter ex parte by a single Judge, it shall be competent for that Judge to revise and alter it af hearing both parties".